



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APL] NO. 1557 OF 2023.

1. Manoj Kumar Vaishnav,
Age 49 years, Private,
resident of House No.5-4, Ward No.1,
Tumdiboda, Dongargaon,
Rajnandgaon, Chhatisgarh.

2. Pradeep Pandhari Donadkar,
Age Major, Occupation Private,
resident of Kurud, Taluka Desaiganj,
District Gadchiroli.

... **APPLICANTS.**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Desaiganj,
Gadchiroli.

2. Manohar Vithoba Nimje,
Age 63 years, Pcc – Private,
resident of Kurud, Taluka Desaiganj,
District Gadchiroli.

... **NON-APPLICANTS.**

Mr. R.R. Vyas, Advocate for Applicants.
Mr. M. Badar, A.P.P. for Non-applicant no.1 - State.
Mr. A.U. Deshmukh, Advocate for Non-applicant No.2.

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**CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.**

DATE : NOVEMBER 07, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the first information report bearing Crime No.161/2020 registered with Desaijanj Police Station, Gadchiroli for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, on account of settlement.

3. It is prosecution case that the informant was desirous to purchase harvesting machine. Applicant no.1 was working as an agent for Panesear Agro Tech Company Limited. He assured to sell the machine for sum of Rs.9,50,000/-. Accordingly, time to time the informant has paid the money, however, the machine was not

Rgd.

delivered as assured. It is informant's grievance that though he paid Rs.6,56,000/- on assurance, however, there was no delivery, hence, the offence of cheating.

4. During the pendency of investigation, parties have amicably settled the dispute. Applicants have refunded the entire sum of Rs.6,56,000/- to the informant. Today the informant is present in the Court. He has filed reply affidavit stating about receipt of the entire amount, and his no objection to quash the proceeding. He is identified by Advocate Shri Deshmukh. On query, the informant accepted the settlement and repeated his desire for not to go on with the prosecution. It was totally a private sale – purchase transaction, thus, the offence has no social impact, nor can be said to be heinous one.

5. When it is brought to the notice that due to registration of crime, the police was required to investigate the matter, applicants showed their willingness to deposit an amount of Rs.20,000/- towards costs.

6. In view of above, since the entire amount is received by the informant, we have no hesitation to invoke our inherent powers and pass the following order.

Criminal Application is allowed and disposed of. We hereby quash the first information report bearing Crime No.161/2020 registered with Desaignanj Police Station, Gadchiroli for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

7. Applicants to deposit an amount of Rs.20,000/- towards costs in the account of High Court Gazetted Officers Association, Nagpur with Union Bank of India, High Court Branch, Civil Lines, Nagpur within a period of one week. List the matter for reporting compliance on 28.11.2023.

JUDGE

JUDGE